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10/699,439	10/30/2003	Gerald Popek	U000-P03142US	3270

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EXAMINER
TIV, BACKHEAN

ART UNIT	PAPER NUMBER
2451	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/699,439	POPEK ET AL.
Office Action Summary	Examiner	Art Unit	
	BACKHEAN TIV	2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>*Remarks 1/12/09*</u>.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1,2,4-16,18-24,26-35,37-49 and 51-58* is/are pending in the application.

    4a) Of the above claim(s) *3,17,25,36 and 50* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1,2,4-16,18-24,26-35,37-49 and 51-58* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Detailed Action

Claims 1,2, 4-16,18-24, 26-35, 37-49, 51-58 are pending in this application. Claims

3,17,25,36,50 have been cancelled. This is a response to the Amendments/Remarks

filed on 1/12/09. This action is made **FINAL**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 4,6,10-12,15,16, 31,32, 37,39,40-42,45,46,51,53-56, are rejected

under 35 U.S.C. 103(a) as being unpatentable over US Publication 2004/0068579

issued to Marmigere et al.(Marmigere) in view of US Patent 7,159,014 issued to Kausik

et al.(Kausik) in further view of US Patent 7,251,254 issued to Bond et al.(Bond).

As per claim 1,15,31,45 Marmigere teaches a method for increasing the

throughput of network communications comprising: receiving a request for a requested

object from a requester, wherein the requester is a web browser(Abstract; para.0037)

forwarding the request to a server(Abstract; para.0037) receiving a response from the

server evaluating whether the response has a status code that is actionable when the

status code is actionable(Fig.9, para.0047, 0049), reviewing the response to determine

whether the response includes a native expiration(Fig.9, para.0047, 0049), inserting the

calculated expiration into the response creating an amended response forwarding the

amended response to the requester(Fig.9, para.0047, 0049), wherein the amended

response includes the requested object storing the amended response providing the

amended response to other requesters that request the requested object, the providing

achieved without additional communication with the server when the response includes

the native expiration(Fig.9, para.0047, 0049); forwarding the response to the

requester(Fig.9).

Marmigere does not explicitly teach when the response does not include the

native expiration calculating a calculated expiration for the response; forwarding the

response to the requester when the status code is not actionable.

Kausik teaches when the response does not include the native expiration

calculating a calculated expiration for the response(Figs.2-6, col.5, lines 17-30).

Therefore it would have been obvious to one ordinary skill in the art at the time of

the invention to modify the teachings of Marmigere, to include when the response does

not include the native expiration calculating a calculated expiration for the response as

taught by Kausik in order to determine whether to update objects from a web content

server.

One ordinary skill in the art would have been motivated to combine the teachings

of Kausik and Marmigere in order to determine whether to update objects from a web

content server.

Marmigere in view of Kausik does not explicitly teach forwarding the response to

the requester when the status code is not actionable.

Bond teaches forwarding the response to the requester when the status code is

not actionable(col.5, lines 15-64).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Marmigere in view of Kausik to include forwarding the response to the requester when the status code is not actionable as taught by Bond in order to inform a user that certain request can not be carried out, e.g. Forbidden webpages.

One ordinary skill in the art would have been motivated to combine the teachings of Marmigere, Kausik, and Bond in order to inform a user that certain request can not be carried out, e.g. Forbidden webpages.

As per claims 2, 32, 46 wherein the server comprises an origin server(Marmigere, Fig.9, para.0047, 0049, Kausik, col.5, lines 10-15). Motivation to combine set forth above.

As per claims 4,37,51 wherein, when the response includes the native expiration, forwarding the response to the requester(Marmigere, Fig.9, para.0047, 0049, Kausik, col.2, lines 50-59).

As per claims 6,24,39,53, wherein the computed expiration is based on a time-to-live(Kausik, Figs. 2-6, col.5, lines 30-37).

As per claims 10,40,54, wherein the receiving a request comprises storing request information as request history data(Kausik, col.2, lines 1-2, col.6, lines 1-35).

As per claims 11,41,55, wherein the request information includes a request resource identifier, a request content type, and a modification query when the modification query is present(Kausik, Figs.2-6, col.2, lines 1-2, col.6, lines 1-35).

As per claims 12,28,42,56, Marmigere teaches when the response does not include the modification history, retrieving a modification query value from the request history data based on a response type and a response location(Figs.2-9; modification query value is interpreted to be action code) when the modification query value is retrieved, computing the time-to-live for the response based on an age factor, a current time and the modification query value, computing the computed expiration based on the current time and the time-to-live when the retrieving the modification query value is not successful, forwarding the response to the requester(para. 0049); Kausik teaches wherein the computing the computed expiration comprises: evaluating whether the response includes a modification history(Figs.2-6, col.2, lines 1-2, col.6, lines 1-35) when the response includes the modification history, computing a time-to-live for the response based on an age factor, a current time and a value of the modification history(Figs.2-6, col.2, lines 1-2, col.6, lines 1-35) computing the computed expiration based on the current time and the time-to-live(Figs.2-6, col.2, lines 1-2, col.6, lines 1-35)

One ordinary skill in the art would have been motivated to combine the teachings of Kausik, Bond, and Marmigere in order to determine whether to update objects from a web content server(Marmigere, para.0001).

As per claim 16, wherein evaluating whether the response has a status code that is actionable comprises checking to determine whether the response has a hyper-text transfer protocol (HTTP) status code of "OK" or "Not Modified"(Marmigere, para. 0049). Motivation to combine set forth in claim 15.

Claims 5,7-9,33-35,38,47-49,52 are rejected under 35 U.S.C. 103(a) as being

unpatentable over US Publication 2004/0068579 issued to Marmigere et al.(Marmigere)

in view of US Patent 7,159,014 issued to Kausik et al.(Kausik) in further view of US

Patent 7,251,254 issued to Bond et al.(Bond) in further view of US Patent 5,768,515

issued to Choquier et al.(Choquier).

Marmigere in view of Kausik in further view of Bond teaches wherein the

computed expiration is based on a response resource identifier(Kausik, col.3, lines 58-

col.4, lines 15), however does not teach as per claims 5,38,52, a content type .

Choquier teaches a content type(col.8, lines 43-45).

Therefore it would have been obvious to one ordinary skill in the art at the time of

the invention to modify the teachings of Marmigere in view of Kausik in further view of

Bond to include content type as taught by Choquier in order to determine what objects

are being requested.

One ordinary skill in the art would have been motivated to combine the teachings

of Marmigere, Kausik, Bond, and Choquier in order to determine what objects are being

requested.

As per claims 7,33,47, further comprising: evaluating whether a content type of

the response is appropriate; performing the reviewing only when the content type of the

response is appropriate(Kausik, col.3, lines 58-col.4, lines 15, Choquier, col.8, lines 43-

45). Motivation to combine set forth in claim 5,38,52.

As per claims 8,34,48, wherein the evaluating whether a content type of the

response is appropriate comprises checking to determine whether the content type is in

an appropriate type list(Kausik, col.3, lines 58-col.4, lines 15, Choquier, col.8, lines 43-

45). Motivation to combine set forth in claim 5,38,52.

As per claims 9,35,49, wherein the appropriate type list comprises at least one of

graphic, JavaScript, Cascading Style Sheet, portable document format (PDF),

executable program, audio, video, and multimedia(Kausik, col.3, lines 58-col.4, lines 15,

Choquier, col.8, lines 43-45). Motivation to combine set forth in claim 5,38,52.

Claims 13,14,43,44,57,58 are rejected under 35 U.S.C. 103(a) as being

unpatentable over US Publication 2004/0068579 issued to Marmigere et al.(Marmigere)

in view of US Patent 7,159,014 issued to Kausik et al.(Kausik) in further view of US

Patent 7,251,254 issued to Bond et al.(Bond) in further view of Office Notice.

Marmigere in view of Kausik in further view of Bond, teaches setting a time limit

for objects and , forwarding the response to the requester(Marmigere Figs.2-9, Kausik,

col.4, lines 41-62, col.6, lines 18-20), however does not explicitly teach as per claims

13,43,57, when the time-to-live is greater than a defined maximum, setting the time-to-

live to be the defined maximum; when the time-to-live is less than a defined minimum

Office Notice is taken; setting TTL to a maximum and minimum is well known to

one ordinary skill in the art.

It is obvious to one ordinary skill in the art at the time of the invention to have a

defined maximum and defined minimum of time since Kausik in view of Marmigere in

order to have defined expiration dates for objects.

One ordinary skill in the art would have been motivated to combine the teachings of Kausik, Marmigere, Bond, and setting TTL to a maximum and minimum, order to have defined expiration dates for objects.

As per claims 14,44,58, wherein the request is a hyper-text transfer protocol (HTTP) get, the modification query value is an HTTP if-modified-since value, and the modification history value is an HTTP last-modified value(Kausik, Figs.2-6).

Claims 18-24,26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication 2004/0068579 issued to Marmigere et al.(Marmigere) in view of US Patent 7,159,014 issued to Kausik et al.(Kausik) in further view of US Patent 5,768,515 issued to Choquier et al.(Choquier).

As per claim 18, Marmigere teaches a method for increasing the throughput of network communications comprising: receiving a request for a requested object from a requester, wherein the requester is a web browser(Abstract; para.0037) forwarding the request to a server receiving a response from a server reviewing the response to determine whether the response includes a native expiration computing a calculated expiration for the response inserting the calculated expiration into the response creating an amended response forwarding the amended response to the requester requester, wherein the amended response includes the requested object storing the amended response providing the amended response to other requesters that request the requested object, the providing achieved without additional communication with the

server(Fig.9, para.0047,0049) when the response includes the native expiration,

forwarding the response to the requester(Fig.9, para.0047, 0049),

Marmigere does not explicitly teach when the response does not include the

native expiration; evaluating whether a content type of the response is appropriate;

when the content type of the response is appropriate; when the content type of the

response is not appropriate, forwarding the response to the requester.

Kausik teaches when the response does not include the native expiration

calculating a calculated expiration for the response(Figs.2-6, col.5, lines 17-30).

Therefore it would have been obvious to one ordinary skill in the art at the time of

the invention to modify the teachings of Marmigere, to include when the response does

not include the native expiration calculating a calculated expiration for the response as

taught by Kausik in order to determine whether to update objects from a web content

server.

One ordinary skill in the art would have been motivated to combine the teachings

of Kausik and Marmigere in order to determine whether to update objects from a web

content server.

Marmigere in view of Kausik however does not explicitly teach evaluating

whether a content type of the response is appropriate; when the content type of the

response is appropriate; when the content type of the response is not appropriate.

Choquier teaches evaluating whether a content type of the response is

appropriate; when the content type of the response is appropriate; when the content

type of the response is not appropriate (col.8, lines 43-45).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Marmigere in view of Kausik to include evaluating whether a content type of the response is appropriate; when the content type of the response is appropriate; when the content type of the response is not appropriate as taught by Choquier in order to determine what objects are being requested.

One ordinary skill in the art would have been motivated to combine the teachings of Marmigere, Kausik, and Choquier in order to determine what objects are being requested.

As per claim 19, wherein the evaluating whether a content type of the response is appropriate comprises checking to determine whether the content type is a graphic image(Kausik, col.3, lines 58-col.4, lines 15, Choquier, col.8, lines 43-45). Motivation to combine set forth in claim 18.

As per claim 20, wherein the evaluating whether a content type of the response is appropriate comprises checking to determine whether the content type is one of a Graphics Interchange Format (GIF) file or Joint Photographic Experts Group (JPEG) file(Kausik, col.3, lines 58-col.4, lines 15, Choquier, col.8, lines 43-45). Motivation to combine set forth in claim 18.

As per claims 21, wherein the evaluating whether a content type of the response is appropriate comprises checking to determine whether the content type is in an appropriate type list(Kausik, col.3, lines 58-col.4, lines 15, Choquier, col.8, lines 43-45). Motivation to combine set forth in claim 18.

As per claims 22, wherein the appropriate type list comprises at least one of graphic, JavaScript, Cascading Style Sheet, portable document format (PDF), executable program, audio, video, and multimedia(Kausik, col.3, lines 58-col.4, lines 15, Choquier, col.8, lines 43-45). Motivation to combine set forth in claim 18.

As per claims 23, wherein the computed expiration is based on at least one of a response content type and a response resource identifier(Kausik, col.3, lines 58-col.4, lines 15).

As per claims 24, wherein the computed expiration is based on a time-to-live(Kausik, Figs. 2-6, col.5, lines 30-37).

As per claims 26,, wherein the receiving a request comprises storing request information as request history data(Kausik, col.2, lines 1-2, col.6, lines 1-35).

As per claims 27, wherein the request information includes a request resource identifier, a request content type, and a modification query when the modification query is present(Kausik, Figs.2-6, col.2, lines 1-2, col.6, lines 1-35).

As per claims 28, Marmigere teaches when the response does not include the modification history, retrieving a modification query value from the request history data based on a response type and a response location(Figs.2-9; modification query value is interpreted to be action code) when the modification query value is retrieved, computing the time-to-live for the response based on an age factor, a current time and the modification query value, computing the computed expiration based on the current time and the time-to-live when the retrieving the modification query value is not successful, forwarding the response to the requester(para. 0049); Kausik teaches wherein the

computing the computed expiration comprises: evaluating whether the response includes a modification history(Figs.2-6, col.2, lines 1-2, col.6, lines 1-35) when the response includes the modification history, computing a time-to-live for the response based on an age factor, a current time and a value of the modification history(Figs.2-6, col.2, lines 1-2, col.6, lines 1-35) computing the computed expiration based on the current time and the time-to-live(Figs.2-6, col.2, lines 1-2, col.6, lines 1-35)

One ordinary skill in the art would have been motivated to combine the teachings of Kausik, Choquier, and Marmigere in order to determine whether to update objects from a web content server(Marmigere, para.0001).

Claims 29,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marmigere et al.(Marmigere) in view of US Patent 7,159,014 issued to Kausik et al.(Kausik) in further view of US Patent 5,768,515 issued to Choquier et al.(Choquier) in further view of Office Notice.

Marmigere in view of Kausik in further view of Choquier, teaches setting a time limit for objects and , forwarding the response to the requester(Marmigere Figs.2-9, Kausik, col.4, lines 41-62, col.6, lines 18-20), however does not explicitly teach as per claims 29, when the time-to-live is greater than a defined maximum, setting the time-to-live to be the defined maximum; when the time-to-live is less than a defined minimum

Office Notice is taken; setting TTL to a maximum and minimum is well known to one ordinary skill in the art.

It is obvious to one ordinary skill in the art at the time of the invention to have a defined maximum and defined minimum of time since Kausik in view of Marmigere in further view of Choquier in order to have defined expiration dates for objects.

One ordinary skill in the art would have been motivated to combine the teachings of Kausik, Marmigere, Choquier, and setting TTL to a maximum and minimum, order to have defined expiration dates for objects.

As per claims 30, wherein the request is a hyper-text transfer protocol (HTTP) get, the modification query value is an HTTP if-modified-since value, and the modification history value is an HTTP last-modified value(Kausik, Figs.2-6).

Response to Arguments

The applicant amended claims 10-14,26-30,40-44, and 54-58, to overcome the claim objection therefore the objection is withdrawn.

Applicant's arguments filed 1/12/09 have been fully considered but they are not persuasive.

The applicant argues in substance,

*a)*No motivation to combine,

In reply to a); In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one

of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.

1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

MPEP 2143 states, The Supreme Court in KSR International Co. v. Teleflex Inc., 550

U.S. ___, ___, 82 USPQ2d 1385, 1395-97 (2007) identified a number of rationales to

support a conclusion of obviousness which are consistent with the proper "functional

approach" to the determination of obviousness as laid down in Graham. The key to

supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s)

why the claimed invention would have been obvious. The Supreme Court in KSR noted

that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.

In this case, one ordinary skill in the art would have been motivated to combine

the teachings of Marmigere, Kausik, and Bond, in order to inform a user that certain

request can not be carried out, e.g. Forbidden webpages.

b) Marmigere in view of Kausik in view of Bond does not teach, "evaluating

whether the response has a status code that is actionable",

In reply to b); The applicant's specification, para.0046, describes an actionable

status code as a list which my signify OK, no modified, no changes made, and others.

Marmigere, Fig.9, clearly shows actionable status codes, e.g. 200, 304, 301 which

signify, OK, Not modified, Redirect, respectively. Therefore, Marmigere teaches

actionable status code as described by the specification. Furthermore, Fig.9, teaches

for each actionable status code there is a relevant action to be taken, for instance, a

"not modified" status code is to "replace expriation_date" action. Therefore teaches, "

evaluating whether the response has a status code that is actionable".

c) Marmigere in view of Kausik in view of Bond does not teach, "reviewing the response to determine whether the response includes a native expiration",

In reply c); Marmigere, para.0047 and 0049, teaches "the proxy cache server processes the request and finds the object in it's cache but the expiration date is exhausted", the applicant argues that checking to see whether a native expiration exists is different from checking whether an expiration date is present. The Office agrees that checking whether the expiration date is exhausted and checking whether an expiration date is present is different, however if Marmigere's system checks to see if an expiration date is exhausted then it inherently checks/determines to see whether the expiration date is present before it can determine whether an expiration date is exhausted.

Furthermore, Kausik, col.5, lines 1-45, teaches a validation of whether an object has expired or not; a determination of whether an object has expiration.

Therefore, Marmigere and Kausik teaches, "reviewing the response to determine whether the response includes a native expiration".

d) Marmigere in view of Kausik in view of Bond does not teach, "calculating a calculated expiration for the response",

e) Marmigere in view of Kausik in view of Bond does not teach, "inserting the calculated expiration into the response creating an amended response",

In reply to d) and e); Marmigere, para.0049, teaches, "new expiration date", therefore teaches calculating/computing an expiration, and teaches sending the new version of the object to the client device with the new expiration date and new signature,

therefore teaches "inserting the calculated expiration into the response creating an
amended response".

Furthermore, Kausik, col.5, lines 15-45 teaches creating a modified header for
object with an expiry date sufficiently far in the future and sending modified web
document to the user which includes the modified header.

f) Marmigere in view of Kausik in view of Bond does not teach, "providing the
amended response to other requesters that request the requested object, the providing
achieved without additional communication with the server".

In reply to f);, The Office interprets the server as the web content server and not
the proxy cache server. Marmigere, para.0043 teaches once the proxy cache server
gets the object with the expiration date in the header from the web content server then
stores it on the proxy cache; when there is a request for the same object from the same
device or another device, the proxy cache does not need to go to the web content
server, instead it can send the object to the requestor , therefore teaches "providing the
amended response to other requestors that request the requested objects, the providing
achieved without additional communication with the server".

g) Marmigere in view of Kausik in view of Bond does not teach, "when the
response does not include the native expiration",

In reply to g); Kausik, col.5, lines 10-30, teaches that there is a request for a
web document in which within the web documents are embedded objects. For these
embedding objects, a modified header is created in which an expiry date is added to it,
therefore teaches "when the response does not include the native expiration".

h) Marmigere in view of Kausik in view of Bond does not teach, "forwarding the response to the requester when the status code is not actionable",

*In reply to h);*Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Bond, col.4, lines 48-col.5, lines 64, teaches status code is a 3-digit integer that has the similarities used in HTTP environment, such as requesting web objects. Codes 405-513, are non-actionable codes.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571) 272-5654. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B. T.
Backhean Tiv
Examiner, Art Unit 2451
4/6/09

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